

REMARKS

Applicants confirm the provisional election made with traverse to prosecute the invention of species I, namely those containing the tertiary amine additives. While the Office Action deems two species of nitrogen containing additives to be patentably distinct, no justification is set forth. Accordingly, it is respectfully submitted that a prima facie basis for the election of species has not been established and the election requirement should be withdrawn.

As a result of the election requirement, the Examiner has withdrawn claims 3, 6, 8, 9, 13, 14, 21, 23 and 24 for further consideration at the present time. It is assumed that the Examiner intended to include claim 11 in this group since that claim is dependent on claim 3. All of the remaining claims are readable on the elected species.

The Examiner has indicated that upon allowance of a generic claim, Applicant will be entitled to consideration of claims to the other species. Claims 1, 4, 5, 12 and 15-19 have been indicated as generic. It is respectfully submitted that as a result of the foregoing amendment, these generic claims are allowable and therefore consideration of the withdrawn claims is now appropriate.

Generic claims 1 and 19 have been amended to specify that the conductive powder is nickel, aluminum or tungsten, or an alloy containing one of these elements, when the additive is a tertiary amine. Basis for this amendment can be found throughout the application including, for example, original claims 7-9.

The claims of the elected species and the generic claims have been rejected under 35 U.S.C. 102 or 103 over Nabatian or Maslowski. These rejections are respectfully traversed.

Both of the cited references relate to compositions containing a tertiary amine. However, neither of these references contain any teaching or suggestion regarding the use of a tertiary amine composition in combination with a nickel, aluminum or tungsten

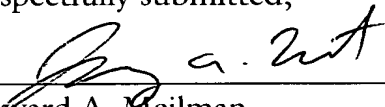
containing conductive material. Accordingly, any rejection based on § 102 is not tenable. Since there is no suggestion with regard to a composition containing such conductive materials in these references, a rejection based on § 103 is also inappropriate.

In light of the foregoing changes, it is respectfully submitted that this application is now in condition to be allowed and the early issuance of a Notice of Allowance is respectfully solicited.

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Respectfully submitted,

By


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